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November 29, 2012

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

RE: Notice of Oral *Ex Parte* Communication  
Docket 09-182

Dear Ms. Dortch:

This notice is submitted in fulfillment of Section 1.1206(b) of the Commission's Rules.

On November 20, 2012, I had a telephone conversation with Commissioner Rosenworcel in connection with the above-shown docket.

In the conversation, I expressed concern that the Commission was on the verge of adopting a siloed approach in which the Commission appeared to be planning to take no action with respect to promoting diversity of ownership as it acted on the Quadrennial Review matter. I argued that the Court of Appeals reversed the Commission for failing to take the impact of its rule changes on diversity of ownership, and that merely determining that Commission action would not impair ownership diversity would fall short of what the Court expects. I urged that, in addition to revising its analysis, the Commission should take affirmative steps going forward to improve and refine its collection of ownership information and that it should develop a scheme for integrating the results of its data collection into future analyses of media ownership questions.

I discussed the continuing importance of broadcasting as a major source of information, especially about local issues, and that disadvantaged viewers and listeners are disproportionately dependent on over-the air broadcasting.

I also addressed what I understand to be the Commission's failure to act on shared service agreements, notwithstanding the Media Bureau's assurances that the Commission would do so in connection with the Quadrennial Review. I noted that it is arbitrary and capricious to retain the TV

duopoly rule while countenancing wholesale evasion of the same rule through shared services agreements. I observed that it would be arbitrary and capricious if, as appears to be the case, that the decision being circulated does not contemplate collecting real time information about new and existing shared services agreements.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew Jay Schwartzman", written in a cursive style.

Andrew Jay Schwartzman

cc. Commissioner Rosenworcel